

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
HUGH O'KANE ELECTRIC CO., LLC,

Plaintiff,

-against-

**NOTICE TO TAKE  
DEPOSITION UPON  
ORAL EXAMINATION**

GFJ CONSTRUCTION CORP, d/b/a BUILDERS  
GROUP LLC d/b/a BUILDERS GROUP  
TECHNOLOGIES and WESTSIDE OF  
NEW YORK, LTD.,


Index No. 603933 /2003

Defendants.  
-----X

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Practice Law and Rules, plaintiff will take the testimony, upon oral examination, of non-party Qwest Communications Corp. before a notary public who is not an attorney, or employee of an attorney, for any party or prospective party herein and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, at the office of Martin Shaw, 350 Fifth Avenue, Suite 1225, New York, New York on January 10, 2006 at 10:00 a.m., with respect to evidence material and necessary in the prosecution of the claims in this action. A copy of the Subpoena Duces Tecum addressed to Qwest Communications Corp. is annexed hereto.

The deposition will continue from day-to-day until completed. You are invited to attend and cross examine.

Dated: Syosset, New York  
December 13, 2005

  
\_\_\_\_\_  
Daniel Gammerman, Esq.  
Attorney for Plaintiff  
6800 Jericho Turnpike, Suite 110W  
Syosset, New York 11791  
(516) 921-5600

TO: Scott Silberfein, Esq.  
Moses & Singer LLP  
Attorney for Defendants  
405 Lexington Avenue  
New York, New York 10174  
(212) 554-7845

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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Plaintiff,

**SUBPOENA DUCES TECUM**

-against-

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TECHNOLOGIES and WESTSIDE OF  
NEW YORK, LTD.,

Index No. 603933/2003

Defendants.  
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TO: Qwest Communications Corp.  
60 Hudson Street  
New York, New York

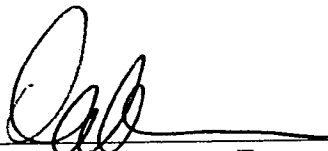
WE COMMAND YOU, to appear and attend before a notary public who is not an attorney, or employee of an attorney, for any party or prospective party herein and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, at the office of Martin Shaw, 350 Fifth Avenue, Suite 1225, New York, New York on January 10, 2006 at 10:00 a.m. and at any recessed or adjourned date to give testimony in this action on the part of plaintiff, and to bring with you, and produce at the time and place aforesaid, (1) all records of payment to by Qwest Communications ("Qwest") to defendants with respect to the project at 60 Hudson Street, New York, New York (the "Project") including but not limited to those related to (a) defendant's invoice number 0032230006 dated on or about February 6, 2002 in the approximate amount of \$80,752.91, (b) defendant's invoice number 003224002 dated on or about February 4, 2002 in the approximate amount of \$21,237.44, and (c) defendant's invoice number 0032240003 dated on or about February 5, 2002 in the approximate amount of \$3,780.68, (2) correspondence between Qwest and any of defendants with respect to any defendant's demand(s) for payment in connection with the

Project, (3) the contract(s) entered into by Qwest and any of defendants with respect to the Project, and (4) the documents showing that the contract(s) between Qwest and any of defendants were guaranteed maximum price contracts.

PLEASE TAKE NOTICE that your presence is required because defendant alleges that it has not been paid in full by Qwest as a defense to one of the causes of action in the within action.

PLEASE TAKE FURTHER NOTICE that false swearing or failure to comply with this Subpoena is punishable as a contempt of Court.

Dated: Syosset, New York  
December 13, 2005



\_\_\_\_\_  
Daniel Gammerman, Esq.  
Attorney for Plaintiff  
6800 Jericho Turnpike, Suite 110W  
Syosset, New York 11791  
(516) 921-5600

Enclosure: \$18 Witness Fee

Index No.

Year 20

SUPREME COURT OF THE STATE OF NEW YORK  
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GFG CONSTRUCTION CORP. d/b/a  
BUILDERS GROUP LLC et al.,

Defendants.

## SUBPOENA DUCES TECUM

DANIEL GAMMERMAN, ESQ.

Attorney for Plaintiff

6800 JERICHO TURNPIKE  
SUITE 110W  
SYOSSET, NEW YORK 11791  
TEL. (516) 921-5600  
FAX (516) 921-5666

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: .....

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated: .....

Attorney(s) for

## PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF  
ENTRYthat the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

NOTICE OF  
SETTLEMENTthat an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,

at

on

20

, at

M.

Dated:

DANIEL GAMMERMAN, ESQ.

Attorney for

6800 JERICHO TURNPIKE  
SUITE 110W  
SYOSSET, NEW YORK 11791  
TEL. (516) 921-5600

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Year 20

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**DANIEL GAMMERMAN, ESQ.**

Attorney for Plaintiff

6800 JERICHO TURNPIKE  
SUITE 110W  
SYOSSET, NEW YORK 11791  
TEL. (516) 921-5600  
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Dated:

**DANIEL GAMMERMAN, ESQ.**

Attorney for

6800 JERICHO TURNPIKE  
SUITE 110W  
SYOSSET, NEW YORK 11791  
TEL. (516) 921-5600  
FAX (516) 921-5666

To:

DANIEL GAMMERMAN  
ATTORNEY AT LAW  
6800 JERICHO TURNPIKE  
SUITE 110W  
SYOSSET, NEW YORK 11791

RECEIVED

DEC 19 2005

MOSES & SINGER LLP

ADDRESSED TO:  
RECEIVED BY:

Scott Silberfein, Esq.  
Moses & Singer LLP  
405 Lexington Avenue  
New York, New York 10174

received  
12/19/05, Kenyon



10174+0001